

**SEALED**

AO 91 (Rev. 11/11) Criminal Complaint

**UNITED STATES DISTRICT COURT**

for the

Northern District of New York

**UNITED STATES OF AMERICA**

v.

**JASON BENEDICT****Defendant**Case No. 5:24-mj-14(TWD)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 21, 2023 in the county of Onondaga in the Northern District of New York the defendant(s) violated:

*Code Section*

18 U.S.C. § 922(g)(1)

*Offense Description*

Possession of a firearm by a previously convicted felon

This criminal complaint is based on these facts:  
See attached affidavit.

☒ Continued on the attached sheet.

Richard R. Gardinier*Complainant's signature*

Richard Gardinier, Special Agent

*Printed name and title*

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date:

Jan 11, 2024Thérèse Wiley Dancks*Judge's signature*City and State: Syracuse, NY

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF NEW YORK

**UNITED STATES**

**v.**

**JASON BENEDICT**

**Defendant.**

Case No.

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
A CRIMINAL COMPLAINT**

I, Richard Gardinier, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of a criminal complaint charging Jason BENEDICT, the defendant, with violating Title 18, United States Code, Section 922(g)(1) (possession of a firearm by a previously convicted felon).

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since January 2, 2017. I have attended the Federal Law Enforcement Training Center (FLETC), located in Glynco, Georgia, where in I was enrolled in, and successfully completed, both Criminal Investigator Training Program (CITP) and Special Agent Basic Training (SABT). During the course of my training, I received instruction on physical surveillance, interviewing sources of information and defendants, reviewing telephone and financial records, applying for and serving search warrants, firearms trafficking, etc.

3. Prior to my time with ATF, I was employed by the United States Secret Service, Uniformed Division (USSS/UD) for four years. I was enrolled in and successfully completed the Uniformed Police Training Program (UPTP) at FLETC, as well as New Officer Training with the

USSS/UD, located in Beltsville, Maryland.

4. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), that is, an officer of the United States who is empowered by law to conduct investigations of and make arrests for the offenses enumerated in Title 18, 21 and 26, United States Code.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe Jason BENEDICT has violated Title 18, United States Code, Section 922(g)(1) by possessing a firearm—namely, an H&R, Pardner Pump, 20 gauge shotgun bearing serial number NZ564010, (FIREARM)—after previously having been convicted of a crime punishable by imprisonment by a term exceeding one year.

#### **PROBABLE CAUSE**

7. In late June 2023, members of the ATF Syracuse Field Office executed a federal search warrant for the person of SUBJECT No. 1 and his/her residence on the east side of the City of Syracuse (RESIDENCE).<sup>1</sup> SUBJECT No. 1 was located exiting the RESIDENCE and detained.

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<sup>1</sup>SUBJECT No. 1's identity will be disclosed to the Court *In Camera*, if requested.

8. Inside the RESIDENCE, several items of evidentiary value were located. These items include, but are not limited to;

- a. An H&R, model Pardner Pump, 20 gauge shotgun bearing serial number NZ564010 manufactured in China.
- b. Several rounds of ammunition
- c. Several white packages known as “bricks” of fentanyl containing small glassine envelopes, inside of which was an off white powder which field tested positive for the presence of fentanyl.
- d. US Currency

9. The items were photographed, documented and collected at the RESIDENCE. The items were then returned to the Drug Enforcement Administration (DEA) Syracuse Resident Office, along with SUBJECT No. 1.

10. SUBJECT No. 1 was placed in an interview room at the DEA Syracuse Office. At approximately 2115 hours, SUBJECT No. 1 was read his/her *Miranda* Rights from a DEA *Miranda* Waiver Form. SUBJECT No. 1 knowingly and voluntarily agreed to waive his/her rights and speak to your affiant and TFO Geer without an attorney present. SUBJECT No. 1 signed the *Miranda* Waiver form and began a conversation with us. The interview was recorded in audio and video formats. The following is a synopsis in sum and substance of the interview;

- a. SUBJECT No. 1 admitted to selling fentanyl, methamphetamines, several types of pills known as “blues” believed to be laced with fentanyl, cocaine and crack cocaine. SUBJECT No. 1 admitted to possessing the fentanyl bricks located in the RESIDENCE. SUBJECT No. 1 admitted to previously bagging bricks for

resale at several locations. SUBJECT No. 1 identified a potential fentanyl supplier.

- b. SUBJECT No. 1 admitted to acquiring the FIREARM, located in the RESIDENCE, as part of a debt owed to him by an individual named Jason. SUBJECT No. 1 explained Jason was a mechanic who worked at a repair shop near Liverpool. SUBJECT No. 1 stated Jason drove a black car, possibly an electric vehicle. SUBJECT No. 1 admitted to accepting the FIREARM from Jason as payment for an amount of money Jason had owed from accepting drugs from SUBJECT No. 1 without paying.
- c. Based on the above description, toll records, knowledge of BENEDICT as well as surveillance throughout this investigation, Jason was positively identified as BENEDICT.

11. Later during the interview, SUBJECT No. 1 signed a Consent to Search for two (2) mobile telephone devices located on his/her person at the time he/she was detained. During the subsequent search, a text conversation between SUBJECT No. 1 and the phone number 315-259-2499 (PHONE NUMBER) was observed. This text exchange took place on January 22-23, 2023. A check of toll records and subscriber information confirmed the PHONE NUMBER's subscriber was Jason BENEDICT.

12. During the aforementioned text conversation, BENEDICT offered to provide a 20-gauge H and R pump Action shotgun to SUBJECT No. 1. SUBJECT No. 1 agreed to and later purchased the shotgun. During their text exchange, BENEDICT described the 20-gauge H and R shotgun to SUBJECT No. 1 and provided a photograph of the FIREARM attached to the text message. Both by photograph and description, the shotgun discussed and sold by

BENEDICT to SUBJECT No. 1 appeared to be the same FIREARM that was recovered during the execution of the search warrant at SUBJECT No. 1's residence. This is confirmed by the post-arrest recorded statements of SUBJECT No. 1 to me during which SUBJECT No. 1 admitted that the FIREARM was provided to him by (and therefore possessed by) Jason BENEDICT in Syracuse, New York. A photograph of the FIREARM taken during the execution of the search warrant at the residence of SUBJECT No. 1 is attached hereto as Exhibit 1. A copy of the text conversation between BENEDICT and SUBJECT No. 1 is attached hereto as Exhibit 2. In Exhibit No. 2 BENEDICT'S text messages are depicted in blue and SUBJECT No. 1's text messages are in green.

13. Your affiant reviewed BENEDICT's criminal history which showed five (5) prior felony convictions. BENEDICT was most recently convicted in Onondaga County Court, New York on September 19, 2019, of Attempted Forgery – 2<sup>nd</sup> degree, a New York State Penal Law class E felony, for which BENEDICT was sentenced to 18 months to 3 years. Based upon this, BENEDICT knew he was convicted of a crime punishable by imprisonment of more than one year.

14. Jason BENEDICT was arrested on January 9, 2024, by the Onondaga County Sheriff's Department and charged with Criminal Possession of Stolen Property in the Third Degree, New York Penal Law, Section 165.50 in connection with his alleged possession of a stolen motor vehicle and trailer. He is currently held in custody on that alleged offense.

15. Your affiant reviewed the FIREARM. Having been previously trained as an Interstate Nexus Expert, it is my opinion and belief that the FIREARM was manufactured in China and possessed by BENEDICT in the State of New York, and therefore has affected interstate and/or foreign commerce.

16. In light of the foregoing, I respectfully submit there is probable cause to believe Jason BENEDICT, the defendant, has violated Title 18, United States Code, Section 922(g)(1). I respectfully request the Court authorize the filing of this complaint and issue an arrest warrant so that the defendant may be arrested and brought to court for further proceedings in accordance with the law.

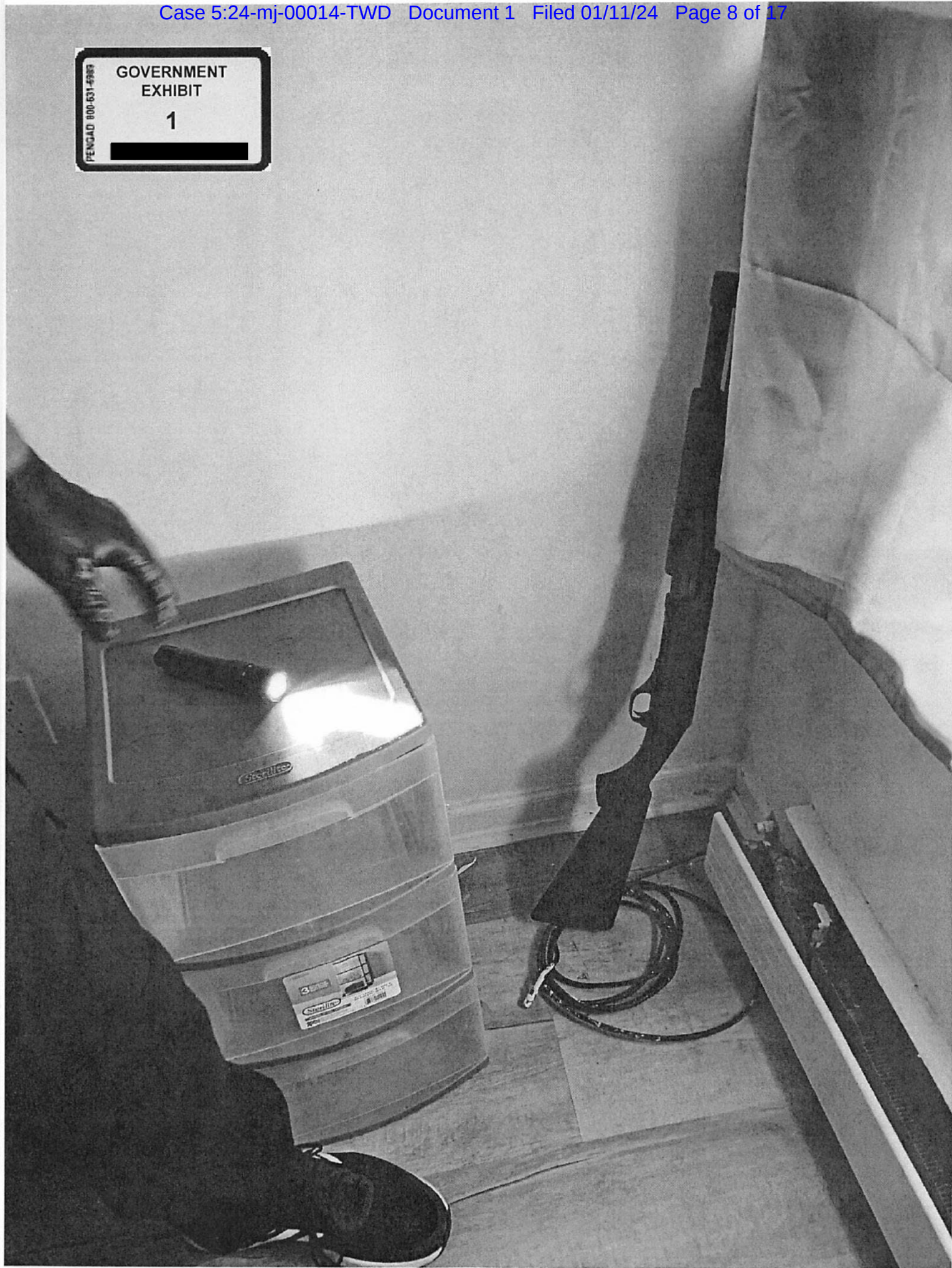
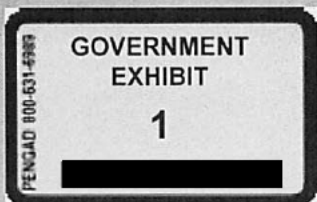
Attested to by the affiant:

Richard R. Gardinier  
Richard Gardinier  
Special Agent  
U.S. Bureau of Alcohol, Tobacco, Firearms  
and Explosives

I, the Honorable Therese Wiley-Dancks, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on January 11, 2024, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

  
UNITED STATES MAGISTRATE JUDGE







From: +13152592499  
To: +16803563511 (owner)

This is an h&r 1871 20 guage shot gun I need gone for 100 if u know anyone. Worth about 300.

Attachments:



Title: image000000.jpg  
Size: 297863  
File name: ~/Library/SMS/Attachments/44/04/EF4B578B-004D-4429-96C0-EF049F954897/image000000.jpg  
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To

Participant	Delivered	Read	Played
+16803563511		1/21/2023 3:35:31 PM(UTC-5)	

Status: Read

1/21/2023 3:24:41 PM(UTC-5)

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From: +16803563511 (owner)  
To: +13152592499

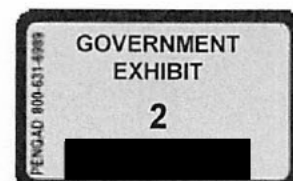
I'll take it lol

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 3:35:03 PM(UTC-5)

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From: +16803563511 (owner)  
To: +13152592499

naa lol i'm ask around

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 3:36:48 PM(UTC-5)

Source Info:  
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00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal :  
0x255772 (Table: message; Size: 3168312 bytes)

From: +16803563511 (owner)  
To: +13152592499

i think i do want it lol

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 3:40:48 PM(UTC-5)

Source Info:  
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0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

Dude it's like new

Participant	Delivered	Read	Played
+16803563511		1/21/2023 3:47:35 PM(UTC-5)	

Status: Read

1/21/2023 3:44:01 PM(UTC-5)

Source Info:  
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00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal :  
0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

I wanna go play. There is a gun place right near me.

Participant	Delivered	Read	Played
+16803563511		1/21/2023 4:17:35 PM(UTC-5)	

Status: Read

1/21/2023 3:44:18 PM(UTC-5)

Source Info:  
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From: +13152592499  
To: +16803563511 (owner)

It holds 5 rounds pump action

Participant	Delivered	Read	Played
+16803563511		1/21/2023 3 4:17:35 PM(UTC-5)	

Status: Read

1/21/2023 3:45:48 PM(UTC-5)

Source Info:  
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From: +13152592499  
To: +16803563511 (owner)

I am only asking 100 u could easily get 200 it's all legal not stolen.

Participant	Delivered	Read	Played
+16803563511		1/21/2023 4:17:35 PM(UTC-5)	

Status: Read

1/21/2023 3:46:23 PM(UTC-5)

Source Info:  
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00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal : 0x255772 (Table: message; Size: 3168312 bytes)



From: +16803563511 (owner)  
To: +13152592499

wen i wanna go shooting my self

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 4:17:46 PM(UTC-5)

Source Info:  
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00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal : 0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

Shit maybe we can go tomorrow it's only 10.00 to shoot for an hour

Participant	Delivered	Read	Played
+16803563511		1/21/2023 4:19:09 PM(UTC-5)	

Status: Read

1/21/2023 4:18:25 PM(UTC-5)

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00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal : 0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

Or I just take a day off this week and once my check is clear I can buy more rounds. For a 20 guage this is a nice gun I have it in my truck

Participant	Delivered	Read	Played
+16803563511		1/21/2023 4:19:09 PM(UTC-5)	

Status: Read

1/21/2023 4:19:06 PM(UTC-5)

Source Info:  
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0x255772 (Table: message, Size: 3168312 bytes)

From: +16803563511 (owner)  
To: +13152592499  
OK

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 4:48:40 PM(UTC-5)

Source Info:  
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0x255772 (Table: message, Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

Lmao. Wait till u see it I will be by in a little bit

Participant	Delivered	Read	Played
+16803563511			

1/21/2023 4:48:37 PM(UTC-5)

Status: Read

1/21/2023 4:20:16 PM(UTC-5)

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0x255772 (Table: message, Size: 3168312 bytes)

From: +16803563511 (owner)  
To: +13152592499  
I'll take it

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 4:19:33 PM(UTC-5)



From: +13152592499  
To: +16803563511 (owner)

U home I am done and on my way bro

Participant	Delivered	Read	Played
+16803563511		1/21/2023 3 5:26:26 PM(UTC-5)	

Status: Read

1/21/2023 5:15:43 PM(UTC-5)

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0x255772 (Table: message; Size: 3168312 bytes)

From: +16803563511 (owner)  
To: +13152592499

yes

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 5:26:30 PM(UTC-5)

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0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

I am here

Participant	Delivered	Read	Played
+16803563511		1/21/2023 3 6:06:51 PM(UTC-5)	

Status: Read

1/21/2023 5:47:06 PM(UTC-5)

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0x255772 (Table: message; Size: 3168312 bytes)

From: +16803563511 (owner)  
To: +13152592499

it don't got nothing in it right i ain't even check

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 6:07:07 PM(UTC-5)

Source Info:  
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From: +13152592499  
To: +16803563511 (owner)

What u mean

Participant	Delivered	Read	Played
+16803563511		1/21/2023 3 6:08:09 PM(UTC -5)	

Status: Read

1/21/2023 6:08:07 PM(UTC-5)

Source Info:  
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From: +16803563511 (owner)  
To: +13152592499

loaded

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 6:08:15 PM(UTC-5)

Source Info:  
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From: +13152592499  
To: +16803563511 (owner)

I will stop by tomorrow and check it out

Participant	Delivered	Read	Played
+16803563511		1/21/2023 6:19:46 PM(UTC-5)	

Status: Read

1/21/2023 6:09:09 PM(UTC-5)

Source Info:  
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0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

I had to pull over off the highway. It's not loading. I am calling my step son that's where it came from cause he had said nothing was wrong with it. Don't matter we will figure it out bro

Participant	Delivered	Read	Played
+16803563511		1/21/2023 6:19:46 PM(UTC-5)	

Status: Read

1/21/2023 6:17:56 PM(UTC-5)

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From: +16803563511 (owner)  
To: +13152592499

no i just wanted to know if it's loaded

Participant	Delivered	Read	Played
+13152592499			

Status: Sent

1/21/2023 6:19:55 PM(UTC-5)

Source Info:  
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00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal :  
0x255772 (Table: message; Size: 3168312 bytes)



From: +13152592499  
To: +16803563511 (owner)

Oh no it's not lmao I thought u were having issues it shouldn't be loaded. I racked it open and nothing came out

Participant	Delivered	Read	Played
+16803563511		1/22/2023 2:34:18 PM(UTC-5)	

Status: Read

1/21/2023 6:20:48 PM(UTC-5)

Source Info:  
00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db : 0x2818F7C (Table: message, handle; Size: 114405376 bytes)  
00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal : 0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

Damn u had me all worried that I gave u something shit

Participant	Delivered	Read	Played
+16803563511		1/22/2023 2:34:18 PM(UTC-5)	

Status: Read

1/21/2023 6:20:59 PM(UTC-5)

Source Info:  
00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db : 0x2818C92 (Table: message, handle; Size: 114405376 bytes)  
00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal : 0x255772 (Table: message; Size: 3168312 bytes)

From: +13152592499  
To: +16803563511 (owner)

What's good bro. Did u score anything. If not u probably still have those Nike huh. Well I could just take one of those for a deal. Let me know where we are at I forgot. So far I have given u 250 cash and the 100 for the gun.

Participant	Delivered	Read	Played
+16803563511		1/22/2023 2:34:18 PM(UTC-5)	

Status: Read

1/22/2023 2:33:52 PM(UTC-5)

Source Info:  
00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db : 0x283561F (Table: message, handle; Size: 114405376 bytes)  
00008030-001A2D2102E3802E\_files\_full.zip/private/var/mobile/Library/SMS/sms.db-wal : 0x255772 (Table: message; Size: 3168312 bytes)